



Certificate of Need Seminar October 12, 2010

Overview of Current & Proposed Administrative Rules

Larry Horvath
CON Evaluation Section

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Important CON Documents

- **Part 201 of the Public Health Code**
 - Governs CON fees
 - Relationship with other regulatory programs
- **Part 222 of the Public Health Code**
 - Governs the Program, Commission, Department
- **CON Commission Bylaws**
 - Governs the Commission process
- **CON Administrative Rules**
 - Governs the application review process
 - Governs the hearing process
- These documents found at www.mi.gov/con

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DRAFT Rules Process to Date

- Current rules from 1996
- Department drafts revised rules
- Focus group reviews draft revised rules (summer 2010)
 - Suggestions noted
- Preliminary review completed by SOAHR and LSB
- Public hearing tentatively set for 2010
 - Possible second hearing if substantive changes are made based on comments from first hearing
- Rules formally reviewed and certified by LSB & SOAHR
- Rules submitted to JCAR
- Rules filed by SOAHR with Great Seal
- Great Seal sets effective date

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Basic Structure of Rules

- **Part 1 General Provisions** – definitions, designated applications dates, extensions
- **Part 2 Applications; Reviews** – LOI process, application submission, eligibility, types of reviews, amendments, emergency reviews, new/revised standards

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Basic Structure of Rules continued...

- **Part 3 Approval and Issuance; Disapprovals** – final decisions, effective date
- **Part 4 Terms and Conditions** – validity, term, amendments, timetables
- **Part 5 Administrative Appeals** – request for hearing, hearing procedures, reconsideration, withdrawal, issuance of final decision

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Proposed Changes Highlights

- Necessary changes to comport with current laws, procedures, etc.
- Acknowledges electronic submissions
- Changes submission deadline from 5:00 PM to 4:00 PM on window dates
- Reduces the number of window dates for comparative review from 3 to 2

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Proposed Changes continued...

- Clarifies that an LOI must first be processed prior to application submission
- Clarifies how the department deems complete an application based on additional information requested
- Clarifies that an application must address parts of the code to be accepted as an application
- Clarifies that the department may disregard information from the applicant and external parties within the last 30 days of a review
- Creates uniformity for processing physician commitments

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Proposed Changes continued...

- Prohibits submission of potential comparative review applications if no need exists
- Adds a financial review section that outlines the type of financial documents to be submitted with an application
- Allows amendments to applications in a comparative review if all parties agree
- Requires a fee supplement for amendments if costs are higher than approved that would have required a higher fee at the time of the original submission

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Proposed Changes continued...

- Removes the ability for reconsideration after a final decision even if the standards change
- Adds reconsideration as an option between a proposed decision and final decision if applicant can demonstrate need
- Clarifies that an amendment after a final decision will be reviewed under the standards used to render the original decision
- Creates an extension for covered clinical equipment similar to the existing extension provision for construction

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Other Possible Changes

- Submission of all applications must be done electronically

Your Thoughts & Suggestions

Questions & Answers

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